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ABSTRACT

This curriculum guide was prepared for use in an introductory occupations course required of all New York State students taking a sequence in vocational education. Compiled by a partnership that included organized labor, the curriculum guide is based on New York State law, but the concepts and approaches could be adapted for use in other states. The guide contains five lesson plans on working teenagers. The lessons cover worker rights; employment of minors and working papers; hours, minimum wage, payment of wages, and prohibited occupations; prevailing wage rates; and unemployment benefits and workers' compensation. Lessons contain short case studies, short-answer questions, information outlines, and case problems. A teaching guide at the back of the booklet outlines lessons, provides objectives, suggests activities, and reviews vocabulary. A quiz on the entire unit, with answer key, is included, and a set of transparencies consisting of various claims and application forms, organization charts, office location displays, wage schedules and hours charts, etc., is provided. (KC)

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THE WORKING TEENAGER

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for

the Working Citizen Module

of

Introduction to Occupations

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Introduction to Occupations

Fall 1989

Prepared by the Labor Legacy Committee of:

New York State AFL-CIO
New York State Building and Construction Trades Council
NYS Commission on the Bicentennial of the U.S. Constitution
New York State Department of Education
New York State Department of Labor
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For additional copies and information, please contact:
Paul F. Cole, Secretary-Treasurer, New York State AFL-CIO,
100 South Swan Street, Albany, NY 12210, (518) 436 - 8516

Labor Legacy Participants

New York State AFL-CIO
Paul F. Cole, Secretary-Treasurer

New York State Building and Construction Trades Council
Henry G. Landau, Secretary-Treasurer

New York State Commission on the Bicentennial of the United States Constitution
Stephen L. Schechter, Executive Director
Thomas E. Burke, Research Director
Michael J. Phillips, Program Director
Stephanie A. Thompson, Education Coordinator

New York State Department of Education
Willard R. Daggett, Director of the Division of Occupational Education Instruction
Richard A. Heim, Introduction to Occupations Teacher, Shaker High School
Mark MacFarlane, Associate in Occupational Education Program Development

New York State Department of Labor
George E. O'Connell, Deputy Commissioner of Labor for Worker Protection
Michael S. Baran, Chief, Unemployment Insurance Liability and Review
John J. DiAnni, Assistant to the Deputy Commissioner for Worker Protection
Kathleen M. Do, Director of Public Information
Joyce Durgerian, Assistant to the Deputy Commissioner for Worker Protection
Leonard J. Durski, Child Labor Task Force Coordinator, Division of Labor Standards
Kevin E. Jones, Senior Public Work Wage Investigator, Bureau of Public Work
Hugh McDaid, Chief, Apparel Industry Task Force Coordinator, Division of Labor Standards
Ferdinand F. Padula, Assistant Director of Public Information
Richard J. Polsinello, Director, Division of Labor Standards
J. Allen Pritchard, Supervisor, Labor Publications, Productions and Graphics

New York State Occupational Information Coordinating Committee
David J. Nyhan, SOICC Executive Director (New York State Department of Labor)

New York State United Teachers
Anthony J. Bifaro, Assistant to the President

New York State Workers' Compensation Board
Olga C. Dais, General Counsel
Thomas Canty, Director of Operations

INTRODUCTION

The Working Teenager

This curriculum guide, entitled *The Working Teenager,* has been prepared for use in the module entitled *The Working Citizen*, which is required in the *Introduction to Occupations* course. Any New York State student taking a sequence in occupational education to meet diploma requirements must obtain one unit of credit in *Introduction to Occupations.* Each year, an estimated 67,000 students take the course.

The Working Citizen module contained in the state syllabus calls for students to be able to outline the "major laws and regulations as they relate to the average employee." Specifically, the syllabus requires students to be familiar with standard labor and safety laws as well as unemployment insurance and workers' compensation laws.

To help *Introduction to Occupations* teachers with these relatively complex topics, a group of interested organizations have joined together to develop this curriculum unit.

The project was initiated as a result of discussions that emanated from an earlier cooperative venture commemorating the 50th anniversary of the New York State Constitutional Convention in 1938, which, among others, adopted an amendment that came to be known as the "Labor Bill of Rights." The amendment, which was approved overwhelmingly by New York State voters that same year, stated that the labor of human beings is not a commodity or an article of commerce; that employees have the right to organize and bargain collectively through representatives of their own choosing; and that the eight-hour day, five-day week and prevailing wage rate would be adhered to on all public work contracts, except in emergencies.

To give meaning to the constitutional language, and to help keep the spirit of the 50th anniversary celebration alive, the group decided to embark on a program to develop appropriate materials for use in the state's elementary and secondary schools. The *Introduction to Occupations* course was selected as the first in a series of ventures.

The Working Teenager curriculum guide is the result of the cooperative efforts of the New York State AFL-CIO, the New York State Building and Construction Trades Council, the New York State United Teachers, the New York State Department of Labor, the New York State Education Department, the New York State Workers' Compensation Board and the New York State Commission on the Bicentennial of the U. S. Constitution.

The curriculum guide is being sent to more than 2,000 *Introduction to Occupations* teachers throughout New York State. In addition, a special poster has been developed by the New York State Department of Labor to highlight both the 50th anniversary of the "Labor Bill of Rights" and the publication of the curriculum guide. Special bookcovers drawing on the poster theme have also been developed and will be made available to *Introduction to Occupations* students.

The project represents the first creation in a collaborative effort by these organizations. Plans are under way to bring together the same expertise and talent to develop additional curriculum guides.

BLOCK PLAN FOR *The Working Teenager*

LESSON 1	Introduction to Worker Rights
LESSON 2	Employment of Minors and Working Papers
LESSON 3	Hours, Minimum Wage, Payment of Wages and Prohibited Occupations
LESSON 4	Prevailing Wage Rate
LESSON 5	Unemployment Benefits and Workers' Compensation
Test on The Working Teenager	

LESSON 1

INTRODUCTION TO WORKER RIGHTS

The Case of Maria

Maria is a mother of a teenage son and a preschool daughter. Maria is a single mother and needs work. She is offered a job at a local garment (clothing) factory, but, as a condition of her employment, her employer requires her to take work home after her normal workday. Maria likes this arrangement because she does not have to get a second job and can spend her evenings at home. However, her employer refuses to pay her overtime or provide benefits for her homework. In this way, her employer saves money which helps him undercut his competitor. He also saves money because he does not have to hire other workers at full benefits.

In sum, the arrangement helps Maria take care of her family; it helps her employer make a profit; however, it undermines the earnings of Maria's co-workers and the viability of the competitor who refuses to require homework from his workers.

The Case of John

John is aged 15 and has a part-time job in another garment factory. The job is after school; however, his employer also requires that work be taken home. Like the first case, the employer refuses to provide fringe benefits or overtime for this homework. Also, like the first case, the employer saves money with this arrangement; John also has the opportunity to spend more time at home with his family; yet co-workers and honest competitors suffer.

Short-Answer Questions

1. List four illegal practices present in the above cases.
2. Explain what the worker in each of these cases should do about her or his situation.
3. Identify where a worker can go for help in each of the situations above.
4. Why is the government interested in illegal practices mentioned in the cases above?
5. How would employers and workers of other companies be affected by these two cases?

EMPLOYMENT OF MINORS

What Types of Working Papers and Permits are Available?

An employment certificate or permit to work is required for individuals under 18 before they can begin work. This certificate tells them their rights as employees and some restrictions that are placed upon them. This certificate may be obtained at local schools in either the main office or the guidance office. Working papers are required in almost all occupations except the following: working as a golf caddy, baby-sitting or doing farm work if one is 16 or older; and children 12 or older who are working for their parents on their farm or doing work not connected with a business. Excluded are 12- to 13-year-olds who may be employed in the hand harvest of berries, fruits and vegetables. Also excluded are minors 14 to 15 years of age who engage in casual employment consisting of yard work and household chores. (For employment covered under federal law, a minor must be at least 16 to operate power-driven machinery.)

Types of Employment Certificates

A. Student Non-Factory Employment Certificate

This type of certificate is issued to 14- and 15-year-olds for permitted work in any trade, business or service, but not for work in a factory workroom or for work involving use of dangerous materials or chemical processes.

B. Student General Employment Certificate

This type of certificate is issued to 16- and 17-year-olds who attend school. It permits valid work in a factory or other trade, business or service, but not valid for hazardous employment such as operating certain power-driven machines, construction work or as a helper on a motor vehicle.

C. Full-Time Employment Certificate

This type of certificate is issued to a 16- or 17-year-old minor who is not attending school, or is leaving school for full-time employment. It is valid for work in a factory or any other trade, business or service, but not for hazardous employment such as operating certain power-driven machines, construction work or as a helper on a motor vehicle.

D. Special Employment

The minor must submit the records required for a full-time employment certificate, however, no school record is required. Also required is a clinical report stating that the minor is no longer able to profit from further available school instruction; approval by the Bureau of Pupil Services in the State Education Department is necessary.

E. Limited Employment

This certificate is issued to minors with physical disabilities for limited employment over a specified period of time.

Types of Employment Permits

A. Farm Work Permits*

This permit is for 14- and 15-year-old students for farm work during vacations, before or after school hours and on days when attendance in school is not required.

*Permits are also issued to 12- and 13-year-olds for the hand harvest of berries, fruit and vegetables.

B. Newspaper Carrier Permits

This permit is for 11- to 18-year-olds who deliver or sell newspapers, shopping papers or periodicals to homes or places of business.

C. Street-Trade Permits

This permit is for self-employed 14- to 18-year-olds who sell newspapers or periodicals on the street or in public places.

D. Child Model Permit

This permit requires a health certificate and the consent of a parent or guardian.

E. Child Performer Permit

This certificate is issued by the chief executive officer (for example, a mayor or town supervisor) where the performance is being held.

Prohibited Occupations

Your teacher will review a list of prohibited occupations with you.

Hours, Rest Periods and Meals for Minors Under the New York State Labor Law

Below is a table that describes when minors may work. Please note whether school is in session and other special conditions, which will make a difference in the hours per day a student may work.

	AGE	HOURS PER DAY	MAX HOURS *PER WEEK	DURING THESE HOURS
Minors Attending School When School is in Session	14 to 15	3 hours on school days 8 hours on other days	23	7 AM to 7 PM
	16	4 hours on school days 8 hours on other days	28	6 AM to 12 PM
	17	8 hours	48	6 AM to 12 PM
Minors' Work Hours When School is NOT in Session	14 to 15	8 hours	40	7 AM to 7 PM
	16 to 17	8 hours	48	6 AM to 12 PM
Minors NOT Attending School	16 to 17	8 hours	48	6 AM to 12 PM
Farm Work	12 to 13	4 hours (only in the hand harvest of fruits, vegetables and berries)		9 AM to 4 PM
Newspaper Carrier	11 to 18	4 hours on school days 5 hours on other days		5 AM to 7 PM or 30 minutes before sunset, whichever is later
Street Trades	14 to 18	4 hours on school days 5 hours on other days		6 AM to 7 PM

* Minors in occupations other than farm work, newspaper carrier or street trades may not work more than six days per week.

Meals and Rest Periods

Labor laws do not require that workers be given "breaks" or rest periods. Many companies will give their employees a 10- to 15- minute rest period half-way through their shift, but are not required to do so by law unless stipulated in an employee handbook or through union negotiations. However, a worker must receive an uninterrupted meal period of at least one-half hour. If one works more than a four-hour shift which starts before 11 a.m. and ends after 2 p.m., he/she should receive a meal between 11 a.m. and 2 p.m. If a worker starts between 1 p.m. and 6 a.m. and the shift is more than six hours, the worker must receive a meal period of at least 30 minutes midway through the shift. If a worker starts before 12 noon and works later than 7 p.m., the worker must receive an additional meal period of at least 20 minutes between 5 and 7 in the evening. (Meal times do not have to be paid.)

Short-Answer Questions

1. Who must obtain working papers?

2. a. How many types of employment certificates are there?
   b. How many types of employment permits are there?
   c. What are the names of the types of employment certificates minors may obtain?
   d. What are the names of the types of permits minors may obtain?

3. a. What are the daily work hours for a 14- to 17-year-old while attending school?
   b. What are the daily work hours for a 14- to 17-year-old when school is not in session?
   c. What is the maximum number of hours a 14- to 17-year-old may work a week when school is not in session?

4. Is an employer required to give employees a rest period? Support your answer from the reading selection on *Meals and Rest Periods*.

5. Explain when an employer is required to give an employee a meal period. There are three possible answers.

6. Why do the federal and state governments place restrictions on minors who work?

7. Explain the circumstances under which 12- and 13-year-olds may engage in farm work.

8. A child performer permit is obtained from the chief executive officer in your community. Who is the chief executive officer where you live?

Case Problems

1. Mary is a student at Midway High School in Midway, New York. Mary is studying office procedures in hopes of becoming a secretary. Mary is 15. She applies for a job in the offices of the local furniture factory. Can Mary work in this place and, if so, what might be some restrictions placed upon her?

2. Jim is a junior at Williams Town High School in Appleton, New York. Jim is about to obtain a job after school at the local grocery store as a bagger and checker. His employer tells Jim that he may only work from 7 a.m. to 7 p.m. because he is only 16.

   a. Jim's employer is incorrect concerning the hours a 16-year-old may work. What hours may a 16-year-old work while school is in session?
   b. What type of working papers will Jim need?

3. Mary works in the cafeteria at the college in her hometown. Mary is 17. Mary works from 8 a.m. to 4:30 p.m. on Saturday. She complains that she does not get a rest period and only receives a half hour for lunch.

   a. Where can Mary find out if the college complies with labor laws?
   b. What answer will Mary get?

4. You are 14 years of age. You are hired to work at the XYZ Retail Store. You start work at 4 p.m. and end at 10 p.m. on a school day. When you finish work, the employer pays you $10 cash and tells you he no longer needs you to work anymore.

   a. Explain how each of the following labor laws has been violated.

      1. Minimum Wage
      2. Employment Certificate
      3. Wage Statement
      4. Hours of Employment

Minimum Wage in New York State

The New York State minimum wage has stood at $3.35 an hour since 1981. (Note: The minimum remained unchanged in 1989.) In addition to the statutory hourly rate of $3.35 an hour, there are provisions for overtime and other supplemental wages. Other supplemental wages may include a part-time rate, daily call-in pay, a rate for a split shift or spread of hours, and a rate for maintenance of required uniforms. Most employees are entitled to receive time and one-half for hours worked that exceed 40 per week.

Are tips and meals part of the minimum wage? Yes, but only in specific fields and occupations. Waiters, for example, should receive at least the minimum wage less specified allowances for tips and meals. They can be paid less than $3.35 an hour as long as their tips bring them up to the minimum wage rate. (For example, a waiter who works 40 hours per week and earns $60 in tips can be paid $2.30 an hour because he has averaged at least $1.05 per hour in tips to bring him up to $3.35 an hour.)

What should workers do if they think they are receiving less than the law requires? The State Labor Department will help collect underpayments for workers who have not received the minimum wage required by law. Workers need to contact the nearest Labor Department office as soon as possible and ask for the form to file for unpaid wages and to find out what proof is needed to substantiate a claim. The Labor Department will investigate the claim after the form is completed and returned along with the supporting proof. This service is provided through tax dollars.

All workers need to keep track of the hours they work and check them with their wage statement to verify its accuracy. Workers who find inaccuracies in their pay,can use their recordkeeping system to verify their work hours they worked to the Labor Department.

1. What is the minimum wage in New York State?

2. A minor thinks he or she is not being paid the minimum wage. Where can a minor find out if the minimum wage law is being violated?

3. What claim form from the group included in your packet would you use to file for unpaid wages? (See your teacher for help with this question.)

4. Why can an employer include tips as part of your minimum wage rate?

Case Problem

Mary Johnson is a high school senior planning to attend college in the fall. Like most college-bound students, she needs money, so she decides to look for employment. In her efforts to find employment, she encounters much competition from other students. Finally, she finds employment at a local newsstand where the owner agrees to pay her $3.25 an hour. The newsstand owner stresses that she should feel fortunate to be paid that much due to competition from other students. After summer ends, Mary finds out that the minimum wage is $3.35 an hour.

1. Even though Mary no longer is employed by the newsstand, she still has rights as a worker.

   a. What rate of pay was she entitled to?
   b. Where should Mary go to seek assistance?
   c. What information should Mary bring with her to substantiate her claim?
   d. Can Mary expect to be charged for this service?

Payment of Wages

Employees have the right to expect regular payment of wages from their employers. Payment is made in accordance with the job classification. Workers who perform physical labor are normally paid weekly, while office workers are paid biweekly, and sales people on commission are paid monthly. The most common form of payment is weekly. The employee can expect the employer to take out regular deductions such as state, federal and social security taxes as required by law. If an employer fails to pay an employee on time, he or she may contact the nearest Labor Department office and file a wage claim to request payment. The department does not charge for this service.

Can an employer ask workers to pay for shortages and breakage or spoilage of products? No. Under no circumstances may an employer ask reimbursement for cash shortages, breakage of products or spoilage of perishable goods. If an employer has required a worker to pay for shortages, breakage or spoilage, the employee should file a claim with the nearest Labor Department office.

What does the law say about being paid in cash or by check, and about wage statements, holidays and vacations? First, the law requires that a worker be paid in cash unless the employer has obtained a permit from the Labor Department to pay by check. This permit allows the employer to place wages in the bank and draw checks to pay employees. A contractor employing workers on prevailing wage rate work must acquire a permit-to-pay-by-check for each individual job location. (See Lesson 4 for an explanation of the prevailing wage rate.)

What laws govern wage statements? Every employer must give employees a wage statement when they receive their pay. This statement must tell employees their gross wages, deductions that the employer withheld to send to the government, hours worked, the hourly rate and any other deductions that employees have requested.

What laws pertain to paid holidays and vacations on non-prevailing wage rate work? Workers are entitled to such benefits only if an employer has agreed to provide them. A worker should check the employee manual to determine what benefits are offered, including sick leave, vacation time and personal leave. An employee should also determine what will happen to such benefits at the end of a calendar year. Will they continue into the next calendar year or will the employee be paid for unused benefits? Again, if an employee believes he or she should have been paid for such benefits, a claim can be filed with a local Labor Department office.

Short-Answer Questions

1. If you were to file a claim with the Labor Department for wages you earned, would the department charge you for this service?

2. What are the three periods when employees may be paid?

3. Is your employer permitted to ask you to pay for shortages, breakage or spoilage of products?

4. Are there any requirements for an employer to pay an employee by check instead of cash?

5. What information is required on a wage statement from an employer?

Case Study

Larry is a cashier/attendant in a self-service gas station. When he arrives at work, his employer informs Larry of a $20 shortage that occurred on his last shift. Larry's employer tells him that the missing money will be subtracted from his pay. On payday, Larry's check is short $20.

a. Where can Larry seek assistance?
b. What documentation will he need?
c. What results can he expect?

PREVAILING WAGE RATE

What is Meant By the Prevailing Wage Rate?

The term, prevailing wage rate, rather than the term, minimum wage, refers to wages and fringe benefits paid to workers employed on public work projects, such as construction of publicly owned or maintained roads and buildings. Workers employed on public work projects must receive at least the wage rate and fringe benefits of workers in the same trade or occupation as established by collective bargaining agreements between labor unions and employers of the locality where the work is to be performed.

Public work projects are completed as a result of a contract between a contractor and a governmental entity, including the state, cities, counties, towns, villages, water districts, school districts and any agency, commission or authority created by the laws of New York State. Such work classifications include, but are not limited to, asbestos worker, boilermaker, carpenter, electrician, elevator constructor, glazier, laborer, ironworker, mason, painter, plumber, sheetmetal worker, surveyor, sprinkler filter, roofer and equipment operator.

Moreover, if a public work agency hires someone "off the street" to perform public work, the agency must pay that (non-graded) public employee according to the prevailing wage.

Are some service employees also covered by the prevailing wage rate? Yes. Building service employees--such as building cleaners, watchmen, guards and porters, employees who collect garbage and employees who transport office furniture and equipment--are covered under the prevailing wage rate agreement if they are working for an employer under contract with a public work agency.

How can a worker determine if he or she is being paid the prevailing wage rate? All employers on public work projects are required by law to post a list of occupations and wage rates in a prominent place on the job site. An employee can go to this chart (if posted) and check the pay rate that he or she is receiving against the prevailing wage rate negotiated between a union and an employer on prevailing rate work. If no wage schedule is posted, but a worker believes the job to be public work, the local office of the Labor Department's Bureau of Public Work should be contacted.

How should an employee be paid for this work? An employer must pay in cash unless the employer has a permit to pay by check for that specific location. The permit must be posted in a prominent place on the job site.

Holidays and vacations that are a part of the union-negotiated contract are also included in the wage schedule. Any employee who performs labor under a public work contract is entitled to receive holiday pay when this benefit is specified in the prevailing rate schedule.

What are the laws pertaining to overtime on prevailing wage rate work? As a part of the "Labor Bill of Rights" that is an amendment to the New York State Constitution, any worker on a public work project must be paid one and one-half times

his or her normal rate of pay for any work performed beyond eight hours a day. In addition, state law says that a construction worker on public work must receive one and one-half times the prevailing rate for all work performed after five days per week. This level is the minimum that an employer can pay in overtime pay. However, union regulations that are represented in the wage schedule may be more strict (for example, double the rate of pay after seven hours are worked on any given day). This higher standard must also be met by the contractor when paying workers on prevailing wage rate work.

Individuals who believe that they have not been paid the prevailing wage rate while performing construction work on a public work project may file a claim with the Labor Department's Bureau of Public Work and request an investigation. For such claims, there is a statute of limitations of three years from the date of underpayment to the claim-filing date. If a worker is not being paid the correct rate, the Labor Department will collect the wages and furnish them to the worker without charge. Only regular deductions will be taken out, sush as state, federal and social security taxes and other fringe benefits that may have been taken out weekly. There is no fee for this service. Tax dollars provide this service. The department collects millions of dollars each year in back wages and supplements. The average collection is $1,700 per person served.

Short-Answer Questions

1. What does the term, prevailing wage rate mean?

2. Name four types of construction projects that require one prevailing wage rate for employees.

3. Name five governmental agencies that are covered under the prevailing wage rate law.

4. List 10 occupations that are covered under the prevailing wage rate law.

5. How can a worker find out what the prevailing wage rate is for a given occupation?

   a. If a worker finds out that he or she is not being paid the prevailing wage rate, who should be contacted?

6. a. What is the maximum number of daily hours that an employee can work before receiving overtime pay?

   b. What is the maximum number of days per week one can work before receiving overtime?

7. Where is your local office of the Labor Department's Bureau of Public Work?

Case Problems

1. Richard is a student in the BOCES program at his high school. He is about to graduate. In school, Richard learned about building bridges and roads, and wants to find a job doing this. After several interviews, Richard gets a job with the Contract Construction Company and agrees to accept a starting salary of $6.75 an hour as a carpenter. Richard's first assignment will be to help build a bridge that will connect two major cities. The Contract Construction Company is the successful bidder for this public work job.

   a. What should Richard know about prevailing wage rates?
   b. What obligations does the employer have to inform employees about prevailing wage rate schedules?

2. Using the schedule on the next page, figure out the prevailing wage rate that a building mason should be paid for each of the following:

   a. Regular Wages
   b. Fringe Benefits
   c. Overtime
   d. Holidays

3. You are a mason working five days per week at eight hours a day. You are paid $10 an hour on a public work project. The schedule on the next page applies, along with the keys for overtime and holidays.

   a. Would you be eligible to file a complaint with the Labor Department?
   b. Using the claim form in your packet, file a complaint on this job. (You will be allowed to make up information when necessary.)

4. Using the holiday information in the schedule for window washers on page 15, determine the vacation and holiday benefits due Julio while working on public work.

5. Jose does not read or write English. He believes he is not being paid the proper rate of pay. Identify how Jose can help his situation by making use of the following:

   a. The Labor Department's Bureau of Public Work
   b. Documentation
   c. Prevailing Wage Rate Schedules
   d. Claim Form.

WAGE SCHEDULES

Mason-Building

Wages (per hour)	6/01/90-5/31/91	6/01/91-5/31/92	6/01/92-5/31/93
Bricklayer	$ 16.85	17.60	18.35
Cement Finisher (Bldg.)	$ 16.85	17.60	18.35
Plasterer	$ 16.85	17.60	18.35
Tuck Pointer	$ 16.85	17.60	18.35
Tile, Terrazzo Worker	$ 16.85	17.60	18.35
Tile Helper	$ 14.85	15.60	16.35

Overtime Pay: See (C) on OVERTIME SCHEDULE below.

Paid Holiday: See (5,6) on HOLIDAY SCHEDULE on following page.

Allowable Ratio: Apprentice(s) to Journeymen (1-1) (1-5).

Apprentices: (1/2) year terms at the following percentage of Journeyman's wage.

1st	**2nd**	**3rd**	**4th**	**5th**	**6th**	**7th**	**8th**
50%	55%	60%	65%	70%	75%	80%	85%

Supplemental Benefits: (per hour worked)	6/01/90-5/31/91	6/01/91-5/31/92	6/01/92-5/31/93
Health/Welfare	$ 4.00	4.05	4.10
Pension	$ 4.10	4.25	4.40
Apprentice Training	.20	.20	.20

Overtime

(A)	Time and one-half of the hourly rate after 7 hours per day.
(AA)	Time and one-half of the hourly rate after 7 and one-half hours per day.
(B)	Time and one-half of the hourly rate after 8 hours per day.
(B1)	Time and one-half for the 9th and 10th hour per day and first 8 hours on Saturday - double the hourly rate all additional hours.
(C)	Double the hourly rate after 7 hours per day.
(CC & C1)	Double the hourly rate after 7 and one-half hours per day.
(D)	Double the hourly rate after 8 hours per day.
(D1)	Double the hourly rate after 9 hours per day.

Holidays

The Holidays as listed below are to be paid at the wage rates at which the employee is normally classified.

(1) None
(2) Labor Day
(3) Memorial Day and Labor Day
(4) Memorial Day and July 4th.
(5) Memorial Day, July 4th and Labor Day
(6) New Years Day, Thanksgiving Day and Christmas Day
(7) Lincoln's Birthday, Washington's Birthday and Veterans Day
(8) Good Friday
(9) Lincoln's Birthday
(10) Washington's Birthday
(11) Columbus Day
(12) Election Day
(13) Presidential Election Day

Window Cleaners

These rates apply in Nassau, Suffolk, Bronx, Kings, New York, Orange, Putnam, Queens, Richmond, Rockland and Westchester counties.

Window Cleaner	13.29	a	b	d & e
Power Operated Scaffold	14.54	a	b	d & e
Manual Scaffold or Boatswain's Chair	14.42	a	b	d & e

a. HEALTH & WELFARE - .93 per hour
- Sickness benefits: Any regular full-time employee with at least one year of service shall receive 10 days.

b. PENSION - .98 per hour

d. VACATION - Employees who have worked for the employer or his/her predecessors seven months shall be entitled to 1 week vacation with full pay in each calender year. Continuous period of 1 year or more, 2 weeks' vacation with full pay in each calender year. Continuous period of 5 years or more, 3 weeks' vacation with full pay in each calender year.

e. HOLIDAYS - New Year's Day, Washington's Birthday, Good Friday, Decoration Day, 4th of July, Labor Day, Columbus Day, Thanksgiving Day, day after Thanksgiving Day, Christmas Day and Employee's Birthday.

LESSON 5

UNEMPLOYMENT BENEFITS AND WORKERS' COMPENSATION

What is Unemployment Insurance?

Unemployment insurance is protection for workers who lose their job through no fault of their own. For example, a company may experience a slowdown and lay off workers for a period of time, or a company may close down and leave an area. These workers are entitled to unemployment benefits for a specified period of time. Unemployment insurance is paid for by the employer, not the employee; in no way can the employer request the employee to make payments for unemployment insurance.

Workers often don't know the rules governing unemployment benefits. One question that is asked is, "If I lose my job, how do I apply for unemployment benefits and how long can I collect?"

A worker who loses his or her job should immediately go to the local unemployment office or Labor Department Community Service Center, listed in the telephone directory. A jobless person should bring his or her social security card, positive identification such as a driver's license, credit card, health insurance card, voter registration card and his or her last unemployment insurance reporting book, if benefits have been applied for previously. All records of employment slips from employers for the past 52 weeks also are necessary.

Workers must wait one week before they can collect benefits and then they can collect for 26 weeks. The payment level will be approximately half of the jobless person's usual wages, but not more than $245 a week or less than $40 a week. During this time the individual should be actively seeking employment and filling out applications to show the unemployment office. The unemployment office uses a statement that one should be ready, willing and able to work.

People who quit or get terminated with cause (for misconduct) are usually not eligible for unemployment insurance. They may, however, want to check with their local unemployment office to see if there are any unusual circumstances that will allow them to collect.

Students generally are not eligible because of their attendance at school. However, an eligibility check may be made with the unemployment office. To qualify for benefits, an individual must have worked in 20 of the last 52 weeks before filing a claim and have earned at least $1,600 during these 20 weeks. The work need not be full time.

Anyone may receive help in finding work and obtain information regarding training programs at a local Labor Department Job Service office or Community Service Center.

Short-Answer Questions

1. a. What is unemployment insurance?
   b. How much money must you earn to qualify for benefits?
   c. How many weeks must you have worked before you can collect benefits?
   d. How much of your regular earnings can you collect in unemployment benefits?

2. Under what circumstances can an employer ask you to pay unemployment insurance?

3. Identify who pays for unemployment insurance.

4. What does the unemployment insurance office or Community Service Center instruct you to bring when signing up for benefits?

5. Where is your local unemployment office or Community Service Center?

Case Problem

1. Steven has been employed for the past year as a cook. Steven was a senior when he started in January. He worked part-time after school until June. During this time he worked 25 hours a week and earned $125 a week. After school finished, Steven stayed on and continued to work full-time. In December of that year, the restaurant went out of business. During the time Steven worked full-time, he worked 25 weeks and earned $260 a week.

   a. As soon as Steven becomes unemployed, what should he do?
   b. What are the two requirements Steven must meet to qualify for unemployment benefits?
   c. How much money can Steven expect to collect?

What is Workers' Compensation?

Workers' compensation is a state-run program that provides protection for workers if they are hurt or disabled because of injuries sustained during the course of their employment. Workers are entitled to receive medical attention from a licensed physician for injuries sustained during the course of employment. In addition to medical treatment, the worker is entitled to receive up to two-thirds of his or her regular salary, but not more than the minimum set by law. This average is based on payroll records for the year before the date of the disability or accident.

When a worker is injured, he or she must fill out an accident report form with the employer within 30 days of the accident. Injured workers must also file a written claim with the Workers' Compensation Board within two years of the accident. To file a claim, the worker should contact your local New York State Workers' Compensation Board office, listed in the telephone book under New York State. Upon receipt of a claim for compensation, the Workers' Compensation Board will open a case file and schedule a hearing before an agency judge.

Wage loss benefits are paid biweekly for periods of disability, whether total or partial. Total disability means that the injured worker is unable to perform any work at all and can be either temporary or permanent. In cases of partial disability, the wage loss is figured by subtracting what the injured worker makes or is able to earn after the injury from the average weekly wage before the injury.

Occupational diseases are compensated in New York on the same basis as accidents and the same benefits are provided, including wage loss benefits and medical treatment. What is covered is limited to diseases that are connected only with the work activity being performed, not workplace. For example, miners' disease and cataracts in glass workers are covered. However, truck drivers or blueprint draftspeople who catch tuberculosis from co-workers are not considered victims of occupational diseases.

Minors (defined as young people under 18 years of age) are covered in the same manner as adult workers, except that babysitters under 18 are not included. Casual workers around an owner-occupied house are not covered, except that minor workers operating power-driven machinery such as power lawn mowers are covered. If a minor is injured while working in violation of the State Labor Law, the minor is entitled to a double-compensation award.

New York State also has a program for off-the-job injuries and illnesses called disability benefits. These benefits are available to workers for injuries or illnesses not connected with one's employment.

Short-Answer Questions

1. What is workers' compensation?
2. How much of your regular salary can you expect to collect under workers' compensation benefits?
3. Where must the injuries occur for workers' compensation to cover an employee?
4. What is the first thing you must do if you are injured during the course of your employment?
5. How much time do you have to file a claim for benefits under workers' compensation?

Case Problems

1. Charles, an 11-year-old newspaper delivery boy, injures his back and left leg when his bicycle is struck by an automobile. Charles was delivering newspapers when he was injured. After five days in the hospital and six weeks of bed rest, he returns to school. Charles resumes delivering newspapers two weeks later. What are Charles' rights under workers' compensation?
2. Mary, a 15-year-old, injures her left hand cutting the lawn with her own mower at the home of a neighbor. She loses two fingers in the accident. She is in the hospital for two days and remains home for six weeks recovering and unable to work. What are Mary's rights under workers' compensation?
3. Betty, a 16-year-old, injures her back while babysitting for the Smith family. She is in the hospital two days she remains home from school for six weeks while performing no other employment. What are Betty's rights under workers' compensation?
4. Billy, a 14-year-old, slips and falls in the supermarket while helping a customer with her bag of groceries. He breaks his ankle and is out of work for four weeks. What are his rights under the workers' compensation law?

TEACHER GUIDE

Lesson 1 - Introduction to Worker Rights

a. Introduction for the Teacher
b. Case Studies
c. Goal
d. Objectives
e. Discussion
f. Vocabulary

Lessons 2 and 3 - Laws Governing the Employment of Minors

a. Homework Assigned
b. Goal
c. Objectives
d. Supplemental and Optional Activities
e. Transparencies
f. Vocabulary

Lesson 4 - Prevailing Wage Rate

a. Introduction
b. Goal
c. Objectives
d. Activities
e. Supplemental and Optional Activities
f. Vocabulary
g. Transparencies

Lesson 5 - Unemployment Benefits and Workers' Compensation

a. Goal
b. Objectives

Quiz: The Working Teenager

Transparencies

LESSON 1

INTRODUCTION TO WORKER RIGHTS

A. Introduction for the Teacher

We live in a complex legal system of international, national, state and local laws.

Within this system, the constitution is the most fundamental statement which a civil society can make as to how it wants to be governed and toward what end. This is especially true in societies such as ours which operate on the basis of constitutionalism; namely, the belief that societies should be governed by the rule of law.

Constitutions have several basic functions. These include:

Establishing a framework of governance, including the institutions of government and their powers and limits.

Setting out and guaranteeing the fundamental rights and responsibilities of the individual, usually contained in a "bill of rights."

Setting out the "first principles" by which a society is governed, usually contained in a preamble.

Guaranteeing public concerns which are considered fundamental by that society or state.

The American system is a federal system. This means that we have two sets of constitutions -- the federal Constitution, framing the national government, providing a federal Bill of Rights, and setting limits on national and state action; and state constitutions, framing and further limiting state government, providing state bills of rights, and providing the citizens of one state with an opportunity to put in constitutional form those concerns which may be fundamental to them, but not others.

The "Worker Bill of Rights" in the New York State Constitution is a perfect example of a public concern and set of rights considered fundamental to citizens of one state and not another. By contrast, the Montana State Constitution has a provision guaranteeing the natural heritage of that state to its citizens.

What does the "Worker Bill of Rights" in our state constitution mean for New Yorkers? For half a century, it has told generations that our labor is not a commodity. It guarantees that people's labor shall *never* be construed as a mere article of trade or commerce.

The rights of working people were guaranteed on November 8, 1938, when the voters of New York overwhelmingly approved a new amendment -- Article I, Section 17-- which had been adopted that year by the state constitutional convention.

Despite the many achievements of the New Deal, economic uncertainty still plagued the nation when convention delegates met and adopted the labor movement's landmark "Worker Bill of Rights" for New Yorkers.

In a speech to the convention, U.S. Senator Robert F. Wagner told delegates that "by promoting democracy in the economic order, democracy in the political order can endure..." And John J. Dunnigan, orginal sponsor of the "Worker Bill of Rights" predicted accurately that his proposals would help ensure a better day "for all those who toil for wages."

Article I, Section 17 of the New York State Constitution also guarantees:

a. Employees the right to organize and bargain collectively through representatives of their choice.

b. Laborers protection against having to work more than eight hours a day or five days a week on public work projects, except in cases of "extraordinary emergency."

c. Workers "in the same trade or occupation" the right to be paid the prevailing rate of wages in an area where a public work project is located. (Such projects are funded by taxpayers.)

Five decades later, the "Worker Bill of Rights" legacy of New York's labor movement continues to stand -- a legacy with roots in Colonial times when our forebears laid the foundation of constitutional society.

The issue of industrial homework provides interesting case studies for class discussion of our rights in the federal system and the sometimes conflicting roles of national and state governments in protecting these rights.

B. Case Studies

Industrial homework has been banned, with few exceptions, in New York State for almost 50 years under Article 13 of the New York State Labor Law. Federal regulations banned industrial homework in only six industries, pursuant to the Fair Labor Standards Act minimum wage. During the same period, New York State used its power to ban all industrial homework as not in the public interest and destructive of purposes already accepted as sound public policy.

The U. S. Department of Labor banned homework in six industries on the assertion that it could not administer the minimum wage provisions of the Fair Labor Standards Act in the industrial homework environment. New York law is more restrictive and carries civil as well as criminal penalties. Over the past few years, the U. S. Labor Department has shown its intention to lift the ban, now asserting that, through a system of registration, it can enforce the Fair Labor Standards Act in a homework setting -- an assertion disputed by the State Labor Department and others. The U. S. Labor Department has stated it will not issue employer industrial homework certificates in any state where there is a prohibition on industrial homework , including New York State.

In effect, industrial homework operation in New York cannot be certified and therefore must remain illegal under the Fair Labor Standards Act as well as New York law. The question arises: Will the U. S. Labor Department continue to enforce prohibitions against industrial homework in New York and other states where homework employers cannot be certified?

In discussing the two case studies, in Lesson 1 of the student packet, students will need to know two basic points about a public policy such as industrial homework in our federal system:

1. The U. S. Constitution contains a "supremacy clause" (Article VI) which reads: "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution of Laws of any State to the Contrary notwithstanding." The "supremacy clause" provides that the national government can preempt (or take over) a public concern such as industrial homework by regulating it in such a way as to control or prevent state regulation. This is the legal point.

2. The political point is that the U. S. Congress and the U. S. Supreme Court have always been reluctant to impose the potential supremacy of the national government upon the states. One reason is our political tradition of federalism by which we choose to maintain both national and state governments -- perhaps out of the gut feeling that, despite our distrust of government, two governments are safer and more efficient than one. A second reason is the political reality of our federal system in which members of Congress find it difficult to go against the wishes of their state and local constituencies.

The conclusion is that there often is no hard-and-fast bottom line. The national government could do more than it does, but if it did more it might challenge its partners (the states) and fail.

Hence, the American federal system is really not a pyramid with the national government on top, as pictured in Figure 1. Nor do all roads lead to Washington, D. C., as pictured in the center-periphery model. Rather, our system is a matrix of power in which the national government and the states are co-equal partners with differences based not on the higher/lower levels of their power or status over one another, but on the wider/narrower scope or arena of their powers.

The national government is responsible for matters of general nationwide interest; the states are responsible for matters affecting a part of the country. Industrial homework, like other matters, can be of both general and regional interest and benefit from both national and state regulation. (See Figure 1.)

(Discussion topics on the two case studies can be found at the end of this chapter.)

C. Goal

To develop an understanding of and appreciation for the constitutional framework of worker rights in the American federal system.

D. Objectives

1. Define what a constitution means.

2. List the functions of a constitution.

3. Understand that the American system is a federal system composed of both federal and state constitutions.

4. Appreciate why we have two sets of governments with two sets of constitutions.

5. Discuss the implications of such a complex system for students and their lives.

6. Make a chart of the advantages and disadvantages of such a complex system.

7. Understand that this information provides the setting for information to follow, providing students with a sense that the New York State Labor Law operates within a federal system composed of other state and national laws.

8. Begin to understand that the resulting multiplicity of rights and sources of rights can enhance students' lives if they become informed citizens rather than passive subjects or purely self-interested consumers.

E. Discussion Activities For Case Studies in Lesson 1 of the Student Packet

1. What is fair and unfair about each of the two cases studies? ("Fairness" is an excellent concept to begin the discussion. It is easy to discuss, yet it is at the heart of our constitutional system. Fairness is a synonym for justice, and justice is the first principle of any constitutional system.)

2. What should be done about these two situations? Should industrial homework be prohibited?

3. Who should regulate industrial homework? What should be the respective roles of the national and state governments in regulating homework?

4. Should both be allowed to regulate this field, or is it a subject of national preemption or states' rights?

F. Vocabulary

Bill of Rights, Commodity, Constitutional Rights, Constitutionalism, Federal System, Federalism, Industrial Homework, Justice, Labor Reform, New York State Labor Law, Preemption, Supremacy Clause, Worker Bill of Rights.

LESSONS 2 AND 3

LAWS GOVERNING the EMPLOYMENT of MINORS

A. Homework Assigned - Read & Answer Questions

B. Goal

To develop an understanding of and appreciation for laws governing the employment of minors.

C. Objectives

1. Identify different types of working papers and how to obtain working papers.
2. Describe hours minors are permitted to work under the law (when school is and out of session).
3. Identify types of jobs minors may or may not work in.
4. Explain the minimum wage law and applicable wage orders.
5. Identify the methods of wage payment and times of payment.
6. What are required wage statements?
7. Why it is important to keep individual records of days worked, hours worked, starting and stopping times, and meal time off?
8. What does the law require for meal periods and breaks?
9. Identify exceptions to prohibited occupations.
10. Explain what to do when wages are not paid in full.
11. Explain the procedure to report a violation or raise a question about laws governing employment.
12. Explain the importance of reporting violations.
13. Explain when wage supplements (fringe benefits) must be paid.
14. Explain how to complete a claim for unpaid wages.
15. Discuss the case studies. Use transparencies during the lecture. Review the booklet, "Laws Governing the Employment of Minors."
16. Review types of employment permits.
17. Review the booklet, "How the New York State Labor Law Protects You."
18. Review functions of the Labor Department's Division of Labor Standards.

D. Supplemental and Optional Activities

1. Complete the wage claim form.
2. Invite a speaker from the Labor Department's Division of Labor Standards.
3. Visit the local Labor Department office or Community Service Center.
4. Learn about safety and health requirements in the workplace (as regulated by the U. S. Occupational Safety and Health Administration and the State Labor Department).
5. Read the NYS Labor Department's annual report.

E. Transparencies

1. Claim for Unpaid Wage Form
2. Functions of Division of Labor Standards (Front)
3. District Office Locations (Back)
4. Applications for Employment Certificates
5. State Labor Department Organization Chart
6. Division of Labor Standards Organization Chart
7. List of Prohibited Occupations
8. Hours Chart
9. Children Found Illegally Employed
10. Child Labor Questionnaire Survey
11. Types of Working Papers
12. Keeping Track of Hours

F. Vocabulary

Minors, Employment Certificate, Prohibited Occupations, Minimum Wage, Wage Orders, Method of Payment, Time of Payment, Wage Statements, Payroll Records, Unpaid Wages, Wage Supplements (Fringe Benefits), Meal Periods, Rest Breaks, Division of Labor Standards.

LESSON 4

PREVAILING WAGE RATE

A. Introduction

The Labor Department's Bureau of Public Work issues wage schedules on a county by county basis representing the union rate of wage for a given classification of work. These rates are required under the State Labor Law to be made a part of any contract between the state, a public benefit corporation, a municipal corporation or a commission appointed pursuant to law. The department monitors these jobs to ensure compliance by contractors. For additional information, contact the local office of the department's Bureau of Public Work.

B. Goal

To develop an understanding of and an appreciation for the laws governing wages paid to employees on public work projects.

C. Objectives

Students should be able to:

1. List and describe the types of work covered by the prevailing wage rate.
2. Demonstrate an understanding of what work is covered by the public work law and what is not.
3. Explain how the prevailing wage is determined by the Department.
4. Explain what wages and benefits are due an employee for this type of work.
5. Explain what the law says about overtime on public work projects.
6. Explain where an employee can obtain information on the prevailing wage rate for a given classification on a given job.
7. Explain the need to keep accurate records of hours worked per day and type of work performed to protect oneself against being underpaid.
8. Fill out a "Claim For Wage And/Or Supplement Underpayment On A Public Work Project."
9. Explain where to seek information about redress for public work violations.

D. Activities

1. Review the case studies.

2. Use transparencies during the lecture and summarize the information in the lesson plan.

3. Lead a general class discussion.

E. Supplemental And Optional Activities

1. Invite a local construction union representative into class for a presentation.

2. Visit a public work construction site.

3. Obtain a copy of a local collective bargaining agreement and the corresponding prevailing wage schedule. Review the agreement to see how the information is condensed into the schedule.

F. Vocabulary

Public Work, Fringe Benefits, Collective Bargaining, Service Employees, Prevailing Wage Rate, Overtime Pay, "Claim for Wage and/or Supplement Underpayment."

G. Transparencies

1. Map of the offices of the Bureau of Public Work.

2. Departmental Jurisdictions (includes examples)

3. Holiday and Overtime Key Sheet

4. Wage Schedule

5. Complaint Form

LESSON 5

UNEMPLOYMENT BENEFITS AND WORKERS' COMPENSATION

A. Goal

To develop an understanding of how the unemployment insurance and workers' compensation systems work.

B. Objectives

Students should be able to:

1. Explain what unemployment and workers' compensation insurance are.
2. Explain who is entitled to collect unemployment benefits.
3. Explain who is not eligible to collect unemployment benefits.
4. Explain how long one may collect unemployment benefits.
5. Explain how the level of unemployment benefit payments is determined.
6. Explain the guidelines under which one may collect workers' compensation.
7. Explain the procedures one should follow if hurt in the course of employment.

QUIZ: THE WORKING TEENAGER

NAME_____

DATE _____

Matching (3 points)

1_____ Minimum Wage
2_____ Working Papers
3_____ Prohibited Occupations
4_____ Prevailing Wage Rate
5_____ Unemployment Benefits
6_____ Workers' Compensation
7_____ NYS Labor Department
8_____ Fringe Benefits
9_____ OSHA
10_____ Wage Statement
11_____ Collective Bargaining
12_____ Labor Reform
13_____ Industrial Homework
14_____ Worker Bill of Rights
15_____ Overtime Rate

A. Insurance that protects workers when injured on the job.

B. The minimum rate of pay that the government says all employees must be paid.

C. Occupational Safety and Health Administration.

D. Supplements to salary such as vacations, health insurance, sick leave and retirement.

E. A form showing gross wages, federal, state and social security taxes, and net pay.

F. A certificate or permit students must obtain before going to work.

G. The process by which a union and management agree on the rate of pay and other benefits employees will receive.

H. Fields of employment that minors may not be employed in because of state and federal regulations.

I. The rate of pay an employee must receive when working on a public work project.

J. The government agency that a student should contact if his or her rights as an employee have been violated.

K. Type of benefits employees receive if they are laid off or if a company goes out of business.

L. Movement to improve working conditions.

M. Protections given to workers through the state and federal constitutions.

N. The amount of money a worker is paid for working more than 40 hours a week.

O. Work completed at home by employees of factories and other manufacturing industries.

TRUE-FALSE (3 points each)

1____ All individuals under the age of 18 must obtain working papers if they plan to seek employment.

2____ An employer can schedule an employee to work a four-hour shift from 8 a.m. to 12 noon and not give him or her a rest or meal period.

3____ A minor who has working papers at the age of 17 may only work from 7 a.m. to 7 p.m. when school is not in session.

4____ A student who thinks his or her rights as a worker have been violated should contact the local New York State Labor Department office.

5____ Constitutions not only create governments, they also protect individual rights.

6____ The term, prevailing wage rate, indicates the hourly wage an employee must be paid when employed on privately owned buildings.

7____ Prevailing wage rate schedules come from collective bargaining agreements.

8____ An unemployed worker may collect unemployment benefits for a period of 36 weeks.

9____ Employers may ask their employees to pay for unemployment insurance.

10____ In most cases, employees who quit their job are entitled to receive unemployment benefits.

11____ Employees who are injured during the course of their regular employment are eligible for workers' compensation insurance.

12____ The federal government as well as the state government has a list of prohibited occupations.

13____ The basic reason for laws governing the employment of minors is to protect their health, safety and welfare.

14____ The New York State Labor Law does not distinguish between hours a student may work when school is in session and when school is not in session.

15____ Working papers may be obtained at a school's main office or guidance office.

MULTIPLE CHOICE (2.5 points each)

1. Which of the following construction projects would fall under the prevailing wage rate law?

   a. Homes for private sale
   b. A new school for the town of Wilton
   c. A new office building for the XYZ Bank
   d. A privately owned parking lot

2. How many weeks can a jobless individual expect to collect under unemployment benefits?

   a. 12
   b. 18
   c. 20
   d. 26

3. Of the four types of payroll periods, which is the most common in business today?

   a. biweekly
   b. monthly
   c. weekly
   d. daily

4. Which of the four items listed below can the employer deduct from your pay?

   a. union dues
   b. cash shortages
   c. breakage
   d. spoilage of products

Where are the Department of Labor Offices in New York State?

Students may write to any of the offices listed below and request information about a particular situation at work or request a claim to file for wages or other benefits that are due them.

New York State Department of Labor

Labor Standards	***Public Work***
*Albany	
State Campus Albany, NY 12240-0122 (518) 457-2730	State Campus Albany, NY 12240 (518) 457-5589
*Binghamton	
40-42 Main Street Binghamton, NY 13905 (607) 772-6678	221 Washington Street Binghamton, NY 13901 (607) 772-1617
*Buffalo	
65 Court Street Buffalo, NY 14203 (716) 847-7141	65 Court Street Buffalo, NY 14202 (716) 847-7159
*Hempstead	
175 Fulton Avenue Hempstead, NY 11550 (516) 481-6064	175 Fulton Avenue Hempstead, NY 11550 (516) 485-4878
*Brooklyn	
One Main Street Brooklyn, NY 11201 (718) 797-7502	
*Rochester	
155 Main Street, West Rochester, NY 14614 (716) 258-4510	155 Main Street, West Rochester, NY 14614 (716) 258-4506
*Syracuse	
333 E. Washington Street Syracuse, NY 13202 (315) 428-4057	333 E. Washington Street Syracuse, NY 13202 (315) 428-4056

*Utica

207 Genesee Street
Utica, NY 13501
(315) 793-2321

207 Genesee Street
Utica, NY 13501
(315) 793-2314

*White Plains

30 Glen Street
White Plains, NY 10603
(914) 997-9521

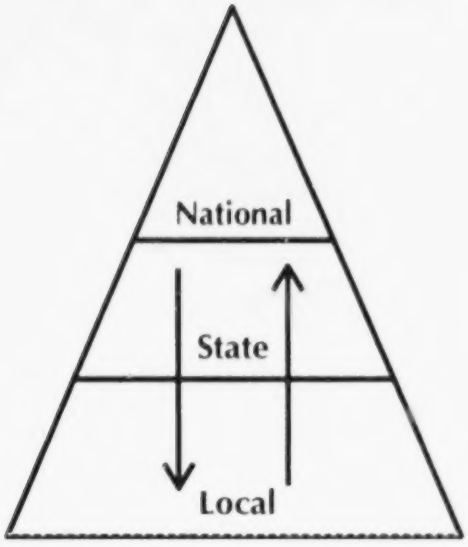
30 Glen Street
White Plains, NY 10603
(914) 997-9507

KEY FOR QUIZ

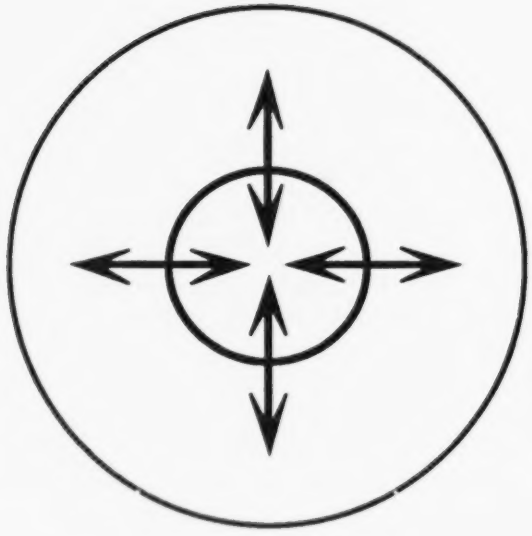
Matching	*T/F*	*M/C*
1.B	1.T	1.B
2.F	2.T	2.D
3.H	3.F	3.C
4.I	4.T	4.A
5.K	5.T	
6.A	6.F	
7.J	7.T	
8.D	8.F	
9.C	9.F	
10.E	10.F	
11.G	11.T	
12.L	12.T	
13.O	13.T	
14.M	14.F	
15.N	15.T	

Figure 1. **Three Views of the American System**

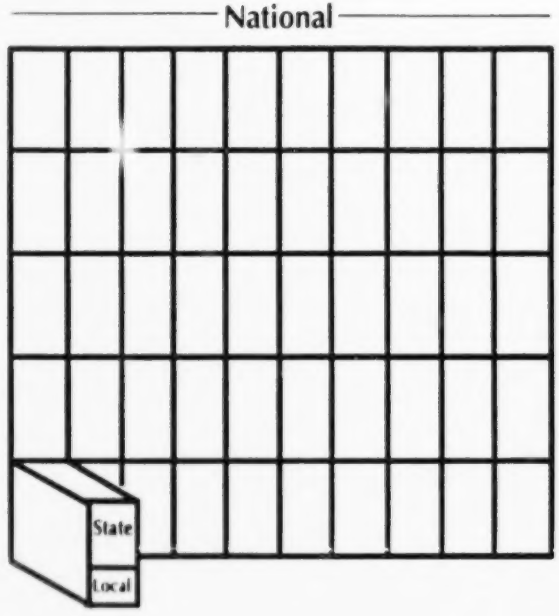
PYRAMID



CENTERIST



MATRIX



Source: Teaching About American Federal Democracy
Edited by Stephen L. Schechter

DISTRICT OFFICES

New York State Department of Labor
Bureau of Public Work

LEVEL OF GOVERNMENT	Example of Dept. of Jurisdiction	Example of Typical Public Work Job
State	Department of Transportation Facilities Development Corp.	Replace bridge. Construct new hostel for OMRDD.
Authorities	Olympic Regional Development Authority Capital District Transportation Authority Thruway Authority	Construct ski lift. Re-roof bus garage. Construct new toll plaza.
County	County of Nassau County of Albany	Install tele-communications system. Construct Civic Center.
City	City of Kingston City of Buffalo	Provide handicap access - City Court House Construct subway.
Town	Town of New Paltz Town of Colonie	Re-hab town library. Landscape town park.
Village	Village of Rye Village of Lake Placid	Replace boiler. Re-hab village hall.
School District	Utica C.S.D. Binghampton C.S.D.	Paint classrooms. Re-surface tennis courts.
Special Districts	Huntington Sewer District Town of Plattsburgh Water District	Construct new sewer plant. Extension of existing water system.
Fire Districts (only if publicly owned)	Schenectady City Fire District Rochester City Fire District	Asbestos removal and encapsulation. Addition to existing fire station.

5/31/87

OVERTIME

(A) Time and one half of the hourly rate after 7 hours per day.
(AA) Time and one half of the hourly rate after 7 and one half hours per day.
(B) Time and one half of the hourly rate after 8 hours per day.
(B1) Time and one half for the 9th & 10th hour per day & 1st 8 hours on Saturday - double the hourly rate all additional hours.
(C) Double the hourly rate after 7 hours per day.
(CC&C1) Double the hourly rate after 7 and one half hours per day.
(D) Double the hourly rate after 8 hours per day.
(D1)Double the hourly rate after 9 hours per day.
(E) Time and one half of the hourly rate on Saturday.
(E1)Time and one half 1st 4 hours on Saturday, double the hourly rate all additional Saturday hours.
(E2)Saturday may be used as a make-up day at straight time when a day is lost during that week due to inclement weather.
(E3)Between Nov. 1st and March 3rd Saturday may be used as a make-up day at straight time when a day is lost during that week due to inclement weather, provided a given employee has worked between 16 and 32 hours that week.
(E4)Saturday and Sunday may be used as a make-up day at straight time when a day is lost during that week dur to inclement weather.
(F) Time and one half of the hourly rate on Saturday and Sunday.
(G) Time and one half of the hourly rate on Saturday and Holidays.
(H) Time and one half of the hourly rate on Saturday, Sunday and Holidays.
(I) Time and one half of the hourly rate on Sunday.
(J) Time and one half of the hourly rate on Sunday and Holidays.
(K) Time and one half of the hourly rate on Holidays.
(L) Double the hourly rate on Saturday.
(M) Double the hourly rate on Saturday and Sunday.
(N) Double the hourly rate on Saturday and Holidays.
(O) Double the hourly rate on Saturday, Sunday and Holidays.
(P) Double the hourly rate on Sunday.
(Q) Double the hourly rate on Sunday and Holidays.
(R) Double the hourly rate on Holidays.
(S) Two and one half times the hourly rate for Holidays, if worked.
(T) Triple the hourly rate for Holidays, if worked.
(U) Four times the hourly rate for Holidays, if worked.
(V) Including benefits at SAME PREMIUM as shown for overtime.
(W) Time and one half for benefits on all overtime hours.

NOTE: BENEFITS are PER HOUR WORKED, for each hour worked, unless otherwise noted.

Sec220:Para 2 "Each contract . . .shall contain a stipulation that no laborer, workman or mechanic. . . shall be permitted or required to work more than eight hours in any one calander day or work more than five days in any one week except in case of extraodinary emergency. . . Whenever such an "EMERGENCY DISPENSATION"(emphasis added) is granted, all work in excess of eight hours per day, and five days per week shall be considered overtime work. . . and . . .shall be paid a premium wage commensurate with the premium wages prevailing in the area in which the work is performed."

HOLIDAYS

The holidays as listed below are to be paid at the wage rates at which the employee is normally classified.

(1) None.
(2) Labor Day.
(3) Memorial Day and Labor Day.
(4) Memorial Day and July 4th.
(5) Memorial Day, July 4th and Labor Day.
(6) New Years Day, Thanksgiving Day and Christmas Day.
(7) Lincoln'S Birthday, Washington's Birthday and Veterans Day.
(8) Good Friday.
(9) Lincoln's Birthday.
(10) Washington's Birthday.
(11) Columbus Day.
(12) Election Day.
(13) Presidential Election Day.

(14) 1/2 Day on Presidential Election Day.
(15) Veteran's Day.
(16) Day after Thanksgiving Day.
(17) July 4th.
(18) 1/2 Day before Christmas Day.
(19) 1/2 Day before New years Day.

(20) Thanksgiving Day.
(21) New Years Day.
(22) Christmas Day.
(23) Day before Christmas.
(24) Day before New Years.
(25) Presidents Day.
(26) Martin Luther King, Jr. Day.

BEST COPY AVAILABLE

MASON-Heavy/Highway

WAGES(per hour)	6/01/88-5/31/89	6/01/89-5/31/90	6/01/90-5/31/91
Heavy/Highway:			
Cement Finish (H/H)	14.85	Additional .79 per hour	Additional 1.03 per hour
Bricklayer	14.85		

OVERTIME PAY: See (B, E, Q) on OVERTIME PAGE attached
PAID HOLIDAY: See (1) on HOLIDAY PAGE attached

ALLOWABLE RATIO: Apprentice(s) to Journeymen (1 - 10)
APPRENTICES: (1/2) year terms at the following percentage of Journeyman's wage

1st	2nd	3rd	4th	5th	6th
50%	55%	60%	65%	70%	80%

SUPPLEMENTAL BENEFITS:(per hour worked)

Health/Welfare	$ 1.50
Pension	1.50
Apprentice Training	.03
Annuity	1.75

Listed supplements apply to ALL classifications (x)Yes ( )No 6-28h

LABORER-Heavy/Highway

Heavy/Highway Laborer:
Group # A: Flagperson
Group # B: Basic, Bull Float, Chain Saw, Concrete Aggregate Bin, Concrete Bootmen, Gin Buggy, Hand or Machine Vibrator, Jack Hammer, Mason Tender, Mortar Mixer, Pavement Breaker,Handlers of all Steel Mesh, Small Generators for Laborers' Tools, Installation of Bridge Drainage Pipe, Vibrator Type Rollers, Tamper, Drill Doctor, Tail or Screw Operator on Asphalt Paver, Water Pump Operators(1-1/2" and Single Diaphragm) Nozzle (Asphalt, Seeding, and Sand Blasting), Laborers on Chain Link Fence Erection, Rock Splitter and Power Unit, Pusher Type Concrete Saw and all other Gas, Electric, Oil and Air Tool Operators, Form Setters, Stone or Granite Curb Setters
Group #C: All Rock or Drilling Machine Operators (Except Quarry Master and Similar Type), Acetylene Torch Operators, Powderman, Gunite Nozzleman, Pipelayer Wrecking Laborer and Asphalt Raker(top only)
Group #D: Blasters
Group #E: Hazardous Waste Removal Work

WAGES(per hour)	6/01/89-11/30/89	12/01/89-5/31/90	6/01/90-11/30/90	12/01/90-5/31/91
Heavy/Highway Laborer:				
Group # A	13.84	14.29	14.49	15.09
Group # B	14.54	14.99	15.19	15.79
Group # C	14.74	15.19	15.39	15.99
Group # D	15.54	15.99	16.19	16.79
Group # E	16.04	16.49	16.69	17.29

OVERTIME PAY: See (B, E, Q) on OVERTIME PAGE attached
PAID HOLIDAYS: See (5, 6) on HOLIDAY PAGE attached

SUPPLEMENTAL BENEFITS (per hour worked)				
Health/Welfare	$ 1.30	1.30	1.55	1.55
Pension	2.05	2.05	2.15	2.15
Suppl Unemploy Benefit	.80	.80	.80	.80
Training	.10	.10	.10	.10

Listed supplements apply to ALL classifications (x)Yes ( )No 5-103/2h

OCCUPATIONS APPLICABLE TO HEAVY/HIGHWAY SCHEDULES

STATE OF NEW YORK
DEPARTMENT OF LABOR
BUREAU OF PUBLIC WORK

FOR OFFICE USE ONLY	
COUNTY	
PRC NO.	
TAKEN BY	DATE
INVESTIGATOR	

CLAIM FOR WAGE AND/OR SUPPLEMENT UNDERPAYMENT ON A PUBLIC WORK PROJECT

(LABOR LAW SECTION 220)

PLEASE ANSWER ALL QUESTIONS ON BOTH SIDES - PLEASE PRINT

1. NAME

2. SOCIAL SECURITY NUMBER

3. ADDRESS STREET, CITY, TOWN, VILLAGE, ZIP CODE COUNTY

4. TELEPHONE NUMBER
DAY ( )
EVENING( )

5. LOCAL ADDRESS WHERE YOU CAN BE REACHED AND THE TELEPHONE NUMBER (IF DIFFERENT FROM ITEM 3)

6. TELEPHONE NUMBER
DAY ( )
EVENING ( )

7. WHAT IS YOUR WORK OR OCCUPATION

8. YOUR WORK ON JOB (IF DIFFERENT FROM ITEM 7)

9. DATE HIRED

10. NAME AND POSITION OF PERSON HIRING YOU

11. SUPERINTENDENT OR FOREMAN ON JOB

12. EMPLOYER (BUSINESS NAME, ADDRESS, TELEPHONE NO.)

13. IF THE EMPLOYER IS A SUBCONTRACTOR, GIVE NAME AND ADDRESS OF PRIME CONTRACTOR

14. PROJECT AND LOCATION AT WHICH YOUR ARE OR WERE EMPLOYED (SCHOOL, BRIDGE, ETC., AND STREET, ROUTE, INTERSECTION, TOWN, VILLAGE, COUNTY)

15. NATURE OF WORK DONE BY EMPLOYER AT JOB SITE (FOR EXAMPLE, FOUNDATION, MASONRY, ELECTRICAL, ETC., AND DESCRIBE BRIEFLY)

16. STAGE OF CONSTRUCTION: (CHECK BOX AND GIVE DATE)

MY EMPLOYERS WORK:
☐ WAS COMPLETED
_____ DATE
☐ IS IN PROGRESS, TO BE COMPLETED
_____ DATE

THE ENTIRE PROJECT:
☐ WAS COMPLETED
_____ DATE
☐ IS IN PROGRESS, TO BE COMPLETED
_____ DATE

17. HOW WERE WAGES PAID ? ☐ CASH ☐ CHECK ☐ OTHER (EXPLAIN)

18. WERE ANY PAYMENTS DUE YOU PAID BY CHECKS RETURNED NOT HONORED ? ☐ YES ☐ NO
IF "YES", SUBMIT PHOTOCOPIES OF CHECK(S)

19. NAME AND ADDRESS OF EMPLOYER'S BANK (INCLUDE ZIP CODE)

20. DID YOU DEMAND THESE WAGES ?
☐ YES ☐ NO

21. DATE OF DEMAND

22. ON WHOM WAS DEMAND MADE ?

23. DID EMPLOYER REFUSE TO PAY THESE WAGES ? ☐ NO ☐ YES IF "YES", GIVE EMPLOYER'S REASON FOR REFUSAL

24. WERE YOU A MEMBER OF ANY UNION WHEN EMPLOYED ON THIS PROJECT ? ☐ NO ☐ YES IF "YES", GIVE NAME, LOCAL NO., ADDRESS, ZIP CODE AND TELEPHONE NO. OF UNION

25. HAVE YOU ASKED YOUR UNION FOR ASSISTANCE ? ☐ NO ☐ YES IF "YES", WHAT ACTION HAS THE UNION TAKEN ?

NOTE: Please attach any pay stubs or payroll information which you may have to support your claim.

26 OCCUPATION(S) AT WHICH YOU WORKED	27 PAYROLL WEEK ENDING DATE	28 NUMBER OF HOURS WORKED THIS WEEK (REG)	(O T)	29 NUMBER OF DAYS WORKED THIS WEEK	30 RATE OF PAY	31 WEEKLY WAGES PAID BEFORE TAXES
					$ Per hour	$ Per Week
					$ Per hour	$ Per Week
					$ Per hour	$ Per Week
					$ Per hour	$ Per Week
					$ Per hour	$ Per Week
					$ Per hour	$ Per Week
					$ Per hour	$ Per Week
					$ Per hour	$ Per Week
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					$ Per hour	$ Per Week
					$ Per hour	$ Per Week
					$ Per hour	$ Per Week
					$ Per hour	$ Per Week
					$ Per hour	$ Per Week
					$ Per hour	$ Per Week
					$ Per hour	$ Per Week
					$ Per hour	$ Per Week
					$ Per hour	$ Per Week

I hereby certify that the above statements are true :

34. SIGNATURE OF CLAIMANT

52

32

Does your employer furnish any wage supplements ?

☐ No ☐ Yes If "Yes", check mark the appropriate boxes:

☐ HOLIDAY PAY

☐ VACATION PAY

☐ HEALTH INSURANCE ☐ HOSP ☐ MEDIC-SURG

☐ PENSION

☐ OTHER (SPECIFY)

33. INCLUDE ANY ADDITIONAL INFORMATION BELOW:

53

State of New York
Department of Labor
Division of Labor Standards

CLAIM FOR UNPAID WAGES

PLEASE ANSWER ALL QUESTIONS ON BOTH SIDES - PLEASE PRINT

FOR OFFICE USE ONLY
IDENTIFICATION NUMBER
REFER TO WAGE SUPPL. I. D. NO. (IF ANY)
TAKEN BY

SECTION 190.7 OF THE NEW YORK STATE LABOR LAW EXCLUDES FROM WAGE PAYMENT COVERAGE THOSE PERSONS IN AN ADMINISTRATIVE, EXECUTIVE OR PROFESSIONAL CAPACITY WHOSE EARNINGS EXCEED $400 GROSS PER WEEK

NOTE: IT IS NECESSARY FOR YOU TO HAVE ASKED FOR THE WAGES DUE BEFORE WE CAN ASSIST YOU.

1. YOUR FULL NAME

3. SOCIAL SECURITY NO.

2. YOUR ADDRESS APT. NO. CITY TOWN VILLAGE COUNTY ZIP CODE

4. (AREA CODE) TELEPHONE NO.
DAY ( )
EVENING ( )

5. CLAIM AGAINST (TRADE NAME OF EMPLOYER)

6. CORPORATION NAME, IF ANY

7. ADDRESS OF MAIN OFFICE OR HEADQUARTERS OF FIRM CITY TOWN VILLAGE COUNTY ZIP CODE

8. (AREA CODE) TELEPHONE NO.
( )

9. NAMES AND ADDRESSES OF RESPONSIBLE PERSONS OF FIRM THEIR POSITIONS

10. KIND OF BUSINESS FIRM ENGAGED IN

11. IS FIRM STILL IN BUSINESS?
☐ YES ☐ NO

12. WHAT WAS YOUR WORK OR OCCUPATION WITH THIS FIRM

13. ADDRESS OF PLANT WHERE YOU WORKED ZIP CODE

14. DATE HIRED

15. NAME AND POSITION OF PERSON HIRING YOU

16. NAME OF SUPERINTENDENT, MANAGER OR FOREMAN

17. LATEST AGREED RATE OF PAY (PER HOUR, PER WEEK PER DAY)

18. LAST DAY WORKED

19. STATUS WITH FIRM
☐ I QUIT
☐ I WAS DISCHARGED
☐ I WAS TEMPORARILY LAID OFF
☐ I AM STILL EMPLOYED

20. REASON FOR QUITTING, DISCHARGE OR LAYOFF

21. WERE YOU A MEMBER OF ANY UNION WHEN EMPLOYED IN THIS FIRM?
☐ YES ☐ NO
IF "YES", GIVE NAME, LOCAL NO., ADDRESS, ZIP CODE AND TELEPHONE NO. OF UNION

22. HAVE YOU ASKED YOUR UNION FOR ASSISTANCE?
☐ YES ☐ NO
IF "YES", WHAT ACTION HAS THE UNION TAKEN?

BEFORE ANSWERING QUESTIONS 23 AND 25, FIRST FILL OUT BACK OF THIS FORM TO HELP YOU FIGURE WAGES DUE

23. WAGES CLAIMED FOR PERIOD (FIRST DATE TO LAST DATE)
FROM TO INCLUSIVE

24. NAME AND ADDRESS OF EMPLOYER'S BANK ZIP CODE

25. TOTAL AMOUNT OF WAGES DUE
$

26. DID YOU DEMAND THESE WAGES?
☐ YES ☐ NO

27. DATE OF DEMAND

28. ON WHOM WAS DEMAND MADE?

29. DID EMPLOYER REFUSE TO PAY THESE WAGES? ☐ YES ☐ NO
IF "YES", GIVE EMPLOYER'S REASON FOR REFUSAL

30. WERE ANY WAGES DUE YOU PAID BY CHECKS RETURNED NOT HONORED? ☐ YES ☐ NO IF YES, SUBMIT PHOTOCOPIES OF CHECK(S)

31. HOW WERE WAGES PAID? ☐ CASH ☐ CHECK ☐ OTHER (Explain)

32. WHAT WAS YOUR NORMAL PAYDAY? WHAT PERIOD DID THIS COVER?

I HEREBY CERTIFY THAT THE ABOVE STATEMENTS ARE TRUE

I AUTHORIZE THE COMMISSIONER OF LABOR AND DEPUTIES OR AGENTS TO RECEIVE, ENDORSE MY NAME ON, AND DEPOSIT IN THE ACCOUNT OF THE COMMISSIONER OF LABOR ANY CHECKS OR MONEY ORDERS MADE OUT TO ME AS PAYMENT ON THIS CLAIM.

SIGNATURE OF CLAIMANT 54 DATE

LS-223 (9-84)

(CONTINUE OVER)

COMMISSION SALESPERSONS - NOTE: Claims for wages should be recapitulated on Form LS-223.1 (Commission Salesperson Recapitulation Sheet) indicating (1) average weekly earnings including salary, draw and commission; (2) terms of contract and (3) for commissions claimed to be owing, the date of sale, customer's name, amount of sale, rate of commission and commission due.

ALL OTHER EMPLOYEES: WAGES CLAIMED ON OTHER SIDE ARE TO BE COMPUTED AS FOLLOWS:

33. PAYROLL WEEK ENDING DATE	34. NUMBER OF HOURS WORKED THIS WEEK	35. NUMBER OF DAYS WORKED THIS WEEK	36. RATE OF PAY (SHOW WHETHER BY HOUR, DAY, WEEK, OR MONTH)	37. TOTAL GROSS WAGES EARNED THIS WEEK	38. GROSS WAGES PAID TO YOU THIS WEEK	39. DIFFERENCE BETWEEN GROSS WAGES EARNED & GROSS WAGES PAID TO YOU THIS WEEK	40. IF WAGES WERE PAID BY CHECK(S) NOT HONORED ENTER THE CHECK NUMBER(S)
			$ per	$	$	$	
					41. TOTAL AMOUNT DUE	$	

42. INCLUDE ANY ADDITIONAL INFORMATION BELOW

STATE OF NEW YORK
DEPARTMENT OF LABOR

DIVISION OF LABOR STANDARDS

FUNCTIONS OF THE DIVISION OF LABOR STANDARDS

The Division of Labor Standards enforces the New York State Labor Laws concerning minimum wage, hours of work, child labor, payment of wages and wage supplements, industrial homework, and migrant farm labor. It also administers the Employment Agency Law (Article 11 of the General Business Law) outside New York City. The Division functions in the following areas:

MINIMUM WAGE—Enforces the New York State Minimum Wage Act including four minimum wage orders and the Minimum Wage Standards for Farm Workers. These laws apply with specified exceptions to all workers in the state including those subject to the Federal Fair Labor Standards Act.

UNPAID OR WITHHELD WAGE—Investigates and endeavors to collect claims for unpaid or withheld wages including illegal deductions. Also enforces the prohibition against illegal kickback of wages and tip appropriation.

WAGE SUPPLEMENTS OF FRINGE BENEFITS—Investigates and endeavors to collect claims for unpaid benefits or wage supplements which the employer has agreed to provide; also claims for withheld employer contributions to benefit funds. Wage supplements include vacation or holiday pay, paid sick leave, reimbursement of expenses, and other similar items.

CASH PAYMENT OF WAGES—Receives and reviews applications for payments of wages by check. Where wages are not paid in cash the Division investigates and determines whether permits to pay wages by check should be issued.

EMPLOYMENT OF MINORS—Enforces the statutes governing maximum and prohibited hours of work for minors and the type of work permitted for minors. Inspects establishments to insure that minors under 18 have proper employment certificates.

DAY OF REST AND MEAL PERIODS—Enforces day of rest regulations where applicable, and the meal periods required for all workers.

MIGRANT FARM LABOR—Enforces minimum wage standards. After investigation, issues certificates of registration to crew leaders, migrant farm labor contractors, growers and food processors who bring migrant farm labor into the state. Enforces compliance with the conditions set forth in the registration. Also issues permits to labor camp commissaries.

GARMENT INDUSTRY—Registers manufacturers and contractors involved in the production of any women's, children's or infant's apparel. Special task force enforces all applicable labor laws.

INDUSTRIAL HOMEWORK—Enforces the restrictions on industrial homework set forth in the Industrial Homework Law and the Homework Orders. Issues permits for limited distribution of industrial homework where authorized, together with certificates to eligible homeworkers.

EMPLOYMENT AGENCIES—Issues licenses to qualified applicants to operate employment agencies outside New York City; enforces the laws and regulations relating to their operation and the fees that may be charged.

NEW YORK LABOR Helping NY work

FOR ADDITIONAL INFORMATION OR ASSISTANCE, CONTACT THE DIVISION OF LABOR STANDARDS OFFICES AT

DISTRICT OFFICES

ALBANY 12240
State Office Building Campus
Tel: (518) 457-2730

BINGHAMTON 13901
221 Washington Street
Tel: (607) 772-6678

BUFFALO 14202
65 Court Street
Tel: (716) 847-7141

HEMPSTEAD 11550
175 Fulton Avenue
Tel: (516) 481-6064

NEW YORK CITY
One Main Street
Brooklyn, NY 11201
Tel: (718) 797-7499

ROCHESTER 14614
155 West Main Street
Tel: (716) 258-4550

SYRACUSE 13202
333 East Washington Street
Tel: (315) 428-4057

UTICA 13501
207 Genesee Street
Tel: (315) 793-2321

WHITE PLAINS 10603
30 Glenn Street
Tel: (914) 997-9521

Form AT-17

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
ALBANY, NEW YORK 12224

APPLICATION FOR EMPLOYMENT CERTIFICATE

See reverse side of this form for information concerning employment of minors

All signatures must be handwritten in ink, and applicant must appear in person before the certificating official.

PART I — Parental Consent — (To be completed by applicant and parent or guardian)

Parent or guardian must appear at the school or issuing center to sign the application for the first certificate for full-time employment, unless the minor is a graduate of a four year high school and presents evidence thereof. For all other certificates, the parent or guardian must sign the application, but need not appear in person to do so.

Date .....

I, ... Age .....
[Social Security Number]

Home address ..... , apply for a certificate as checked below.
[Number and Street] [Town]

- ☐ Nonfactory Employment Certificate — Valid for lawful employment of a minor 14 or 15 years of age when school is not in session and during vacation periods.
- ☐ Student General Employment Certificate — Valid for lawful employment of a minor 16 or 17 years of age when school is not in session and during vacation periods.
- ☐ Full-Time Employment Certificate — Valid for lawful employment of a minor 16 or 17 years of age who is not attending day school.

I hereby consent to the required medical examination and employment certification as indicated above.

.....
[Signature of Parent or Guardian]

PART II — Evidence of Age — (To be completed by issuing official only)

..... — Check evidence of age accepted — Document # (if any) .....
[Date of Birth]

Birth Certificate Schooling Record Other .....
[Specify]

PART III — Certificate of Physical Fitness

Applicant shall present a Certificate of Physical Fitness from a school or private physician. Said examination must have been given within 6 months prior to issuance of the employment certificate.
If the Certificate of Physical Fitness is limited, the issuing official shall issue a Limited Employment Certificate (valid for a period not to exceed 6 months), and enter the limitation on the employment certificate.

PART IV — Pledge of Employment — (To be completed by prospective employer)

Part IV must be completed only for (a) a minor with a medical limitation and (b) for a minor 16 years of age who is leaving school, and resides in a district (New York City and Buffalo) which require a minor 16 years of age who is not employed to attend school, according to Section 3205 of the Education Law.

The undersigned will employ ..... residing at .....

as ..... at .....
[Description of Applicant's Work] [Job Location]

for ..... days per week ..... hours per day, beginning ..... a.m. ..... p.m.

..... Factory ending ..... a.m. ..... p.m.
[Name of Firm]
Nonfactory .....
[Address of Firm]

..... Starting date .....
[Telephone Number] [Signature of Employer]

PART V — Schooling Record — (To be completed by school official)

Part V must be completed only for a minor 16 years of age who is leaving school, and resides in a district (New York City and Buffalo) which require a minor 16 years of age to attend school, according to Section 3205 of the Education Law.

I certify that the records of ....
[Name of School] [Address]

show that ..... whose date of birth is .....
[Name of Applicant]

is in grade .....
[Signature of Principal or Designee]

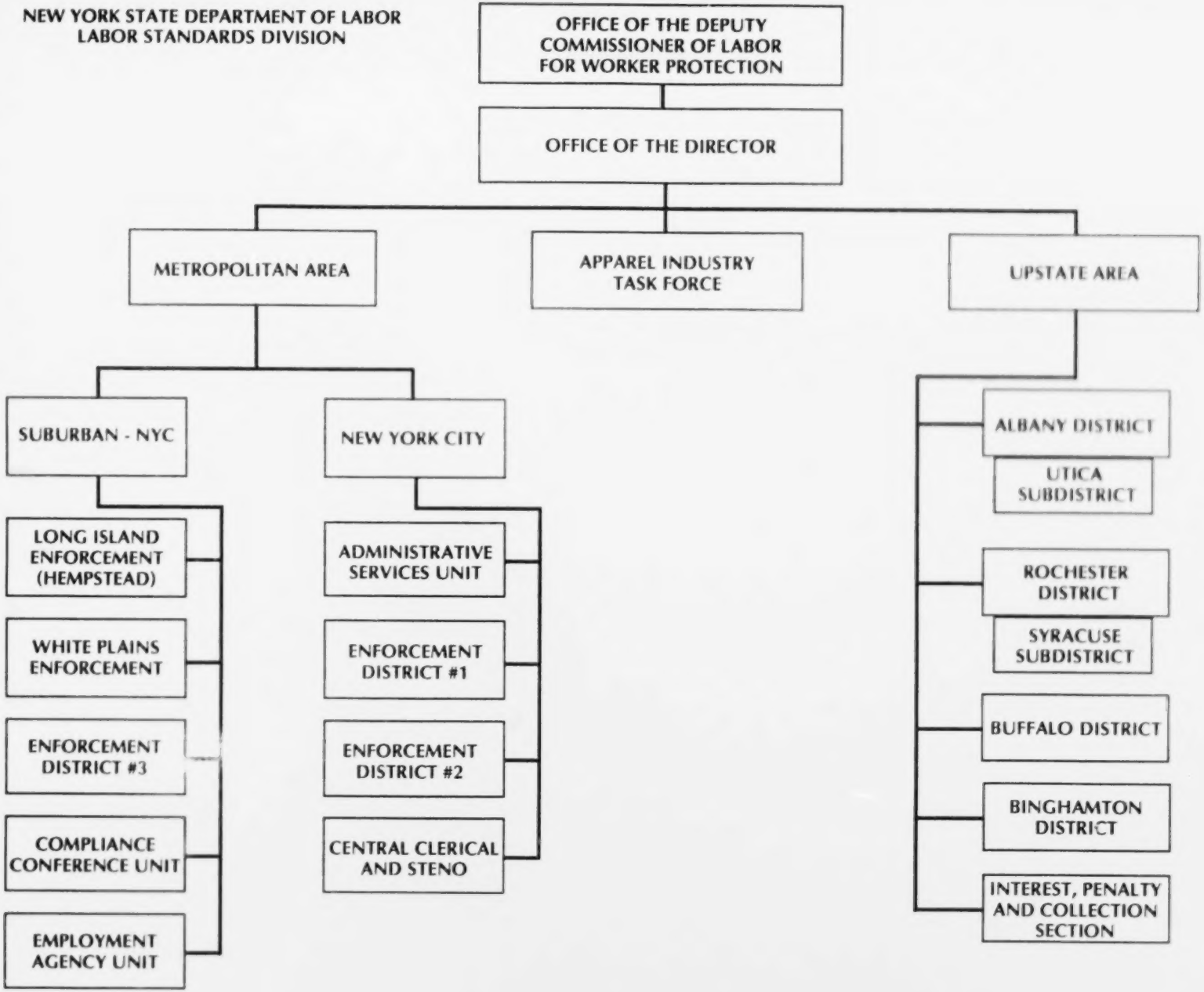
PART VI — Employment Certification — (To be completed by issuing official only)

Certificate Number ..... Date Issued .....

....
[School or Issuing Center] [Address] [Signature of Issuing Official]

THIS APPLICATION DOES NOT AUTHORIZE EMPLOYMENT

NEW YORK STATE DEPARTMENT OF LABOR
LABOR STANDARDS DIVISION



Prohibited Occupations

Boys and girls younger than 18 may not be employed in or assist in:

Any occupation at construction work, including wrecking, demolition, roofing or excavating operations and the painting or exterior cleaning of a building structure from an elevated surface.

Any occupation involved in the operation of power-driven woodworking, metal-forming, metal-punching, metal-shearing, bakery and paper products machines.

Any occupation involved in the operation of circular saws, bandsaws and guillotine shears.

Any occupation involved in the operation of power-driven hoisting apparatus.

Any occupation involved in the manufacture of brick, tile and kindred products.

Any occupation involving exposure to radioactive substances or ionizing radiation, or exposure to silica or other harmful dust.

Logging occupations and occupations in the operation of any saw mill, lath mill, shingle mill or cooperage-stock mill.

Any occupation in or in connection with a mine or quarry.

As a helper on a motor vehicle.

The care or operation of a freight or passenger elevator, except that minors over 16 may operate automatic, push button control elevators.

Work in manufacturing, packing, or storing of explosives, or in the use or delivery of explosives.

Operating or using any emery, tripoli, rouge, corundum, stone, silicon carbide, or any abrasive, or emery polishing or buffing wheel, where articles of the baser metals or iridium are manufactured.

Adjusting belts to machinery or cleaning, oiling or wiping machinery.

Packing paints, dry colors, or red or white leads.

Preparing any composition in which dangerous or poisonous acids are used.

Operating steam boilers subject to Section 204 of the Labor Law.

In penal or correctional institutions, if such employment relates to the custody or care of prisoners or inmates.

(The foregoing prohibitions do not apply to minors younger than 18 who are apprentices individually registered in apprenticeship programs duly registered with the Commissioner of Labor; or to student-learners enrolled in recognized cooperative vocational training programs, or to trainees in approved on-the-job training programs.

The foregoing also do not apply to a minor 16 to 18 years old employed in the occupation in which he or she has completed training as a student learner or as a trainee in an on-the-job training program, or has completed a training program given by a public school or in a nonprofit institution which includes safety instruction approved by the Commissioner of Labor. Regulations governing such approval have been issued.)

Tree-trimming near power lines.

Operating amusement devices at carnivals, fairs and amusement parks, except that minors at least 16 years old may operate devices designed for the exclusive use of small children.

Operating any machine which requires guards, unless it is equipped at the point of operation with the guard specified.

Work in underground tunneling operations.

Work as window cleaners.

Selling, dispensing or handling alcoholic beverages, including beer, on premises used for retail sale of such beverages. (Minors under 18 may be employed in grocery stores holding beer licenses to handle and deliver beer and to act as cashier for off-premises beer sales when in the presence of and under the direct supervision of a person 18 years of age and over.)

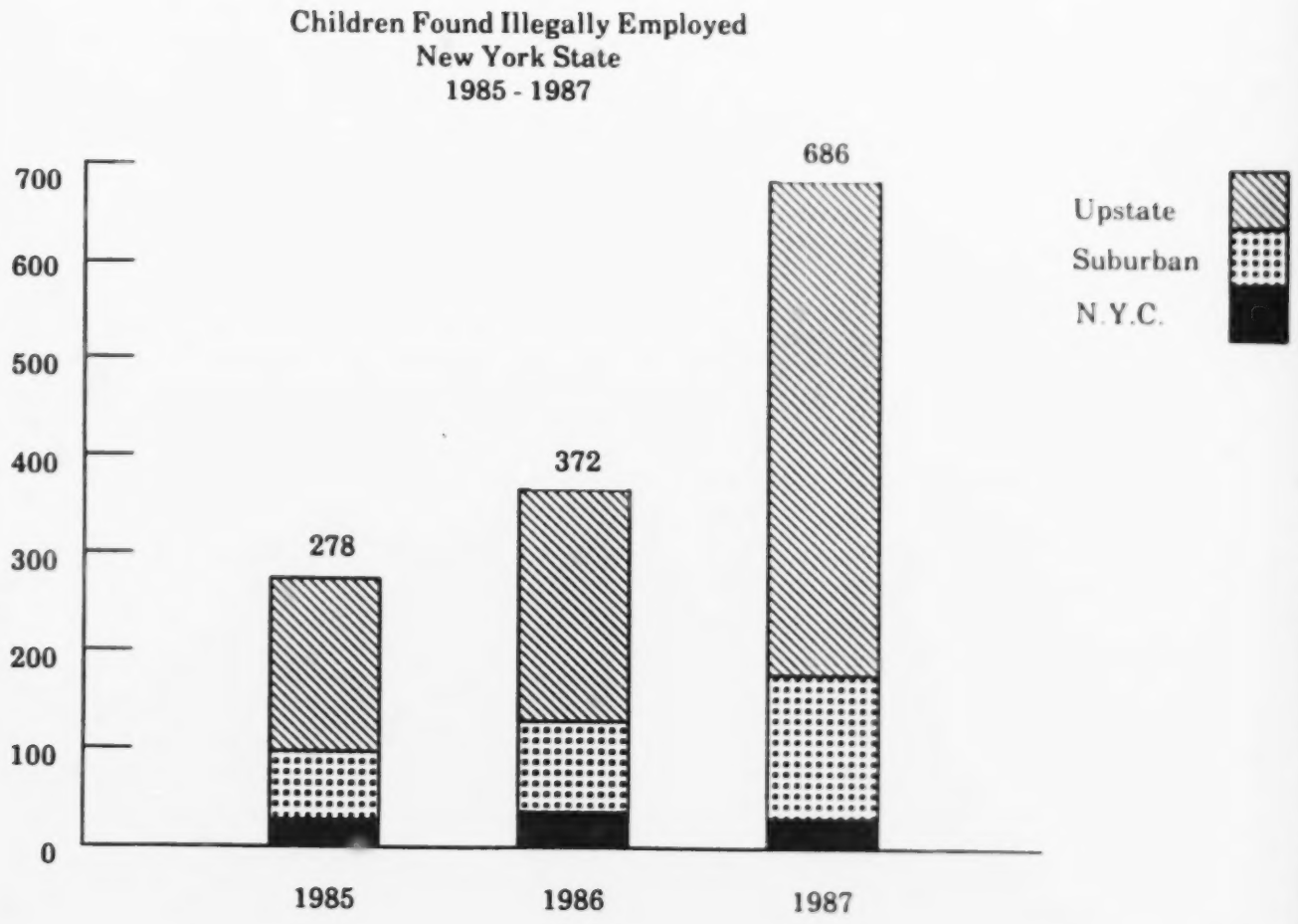
Appearing as entertainers on premises used for retail sale of alcoholic beverages except where the appearance is approved and under the sponsorship of a primary or secondary school, is supervised by a teacher from that school, and the minor's parent or guardian gives his or her written consent; or where the state Liquor Authority has issued a special permit authorizing a minor under 18 years of age to appear as an entertainer at the premises licensed for retail sales of alcoholic beverages.

Hours, Rest Periods and Meals for Minors Under the New York State Labor Law

Below is a table that describes when minors may work. Please note whether school is in session and other special conditions, which will make a difference in the hours per day a student may work.

	AGE	HOURS PER DAY	MAX HOURS *PER WEEK	DURING THESE HOURS
Minors Attending School When School is in Session	14 to 15	3 hours on school days 8 hours on other days	23	7 AM to 7 PM
	16	4 hours on school days 8 hours on other days	28	6 AM to 12 PM
	17	8 hours	48	6 AM to 12 PM
Minors' Work Hours When School is NOT in Session	14 to 15	8 hours	40	7 AM to 7 PM
	16 to 17	8 hours	48	6 AM to 12 PM
Minors NOT Attending School	16 to 17	8 hours	48	6 AM to 12 PM
Farm Work	12 to 13	4 hours (only in the hand harvest of fruits, vegetables and berries)		9 AM to 4 PM
Newspaper Carrier	11 to 18	4 hours on school days 5 hours on other days		5 AM to 7 PM or 30 minutes before sunset, whichever is later
Street Trades	14 to 18	4 hours on school days 5 hours on other days		6 AM to 7 PM

* Minors in occupations other than farm work, newspaper carrier or street trades may not work more than six days per week.


Children Found Illegally Employed
New York State
1985 - 1987
700
600
500
400
300
200
100
0
278
372
686
1985
1986
1987
Upstate
Suburban
N.Y.C.

SPECIAL SURVEY OF TEENAGERS

There is very limited information available about the number of teenagers employed in violation of New York's child labor laws. The explosive growth in employment in the service sector, coupled with the shrinking youth population, have put pressure on employers to recruit teenagers intensively.

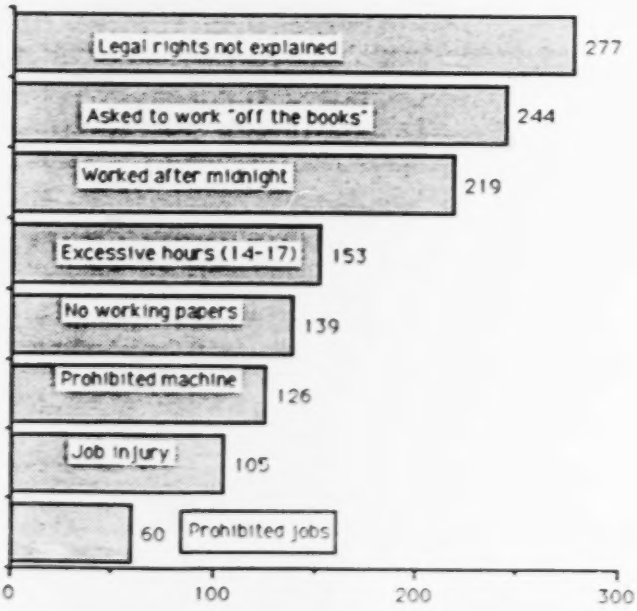
The Task Force prepared and distributed a "Questionnaire on Employment of Minors" to teenagers in diverse geographical areas of the State to determine the extent of Labor Law violation among youth. Although the survey was not a statistical sample, the responses did provide a great deal of information from a broad base of teenagers.

Some 1,106 questionnaires were included in the study; of these, 621 (56%) reported one or more violations of the child labor laws.

The chart is limited to those questionnaires with a violation of Labor Law or a work-related injury. (Youth who reported that they lacked working papers, or had never worked, were not included among the 621 responses with violations.) Were they included, the number of responses indicating "no working papers" or "legal rights not explained" would have been much larger.

The chart demonstrates the large number of youth surveyed who did not know their legal rights (277), or were asked to work "off the books" (244).

THERE WERE 1,106 QUESTIONNAIRES USED.
OF THESE, 621 REPORTED A VIOLATION OF
CHILD LABOR LAW OR AN INJURY.



Types of Employment Certificates

A. Student Non-Factory Employment Certificate

This type of certificate is issued to 14- and 15-year-olds for permitted work in any trade, business or service, but not for work in a factory workroom or for work involving use of dangerous materials or chemical processes.

B. Student General Employment Certificate

This type of certificate is issued to 16- and 17-year-olds who attend school. It permits valid work in a factory or other trade, business or service, but not valid for hazardous employment such as operating certain power-driven machines, construction work or as a helper on a motor vehicle.

C. Full-Time Employment Certificate

This type of certificate is issued to a 16- or 17-year-old minor who is not attending school, or is leaving school for full-time employment. It is valid for work in a factory or any other trade, business or service, but not for hazardous employment such as operating certain power-driven machines, construction work or as a helper on a motor vehicle.

D. Special Employment

The minor must submit the records required for a full-time employment certificate, however, no school record is required. Also required is a clinical report stating that the minor is no longer able to profit from further available school instruction; approval by the Bureau of Pupil Services in the State Education Department is necessary.

E. Limited Employment

This certificate is issued to minors with physical disabilities for limited employment over a specified period of time.

Types of Employment Permits

A. Farm Work Permits*

This permit is for 14- and 15-year-old students for farm work during vacations, before or after school hours and on days when attendance in school is not required.

*Permits are also issued to 12- and 13-year-olds for the hand harvest of berries, fruit and vegetables.

B. Newspaper Carrier Permits

This permit is for 11- to 18-year-olds who deliver or sell newspapers, shopping papers or periodicals to homes or places of business.

C. Street-Trade Permits

This permit is for self-employed 14- to 18-year-olds who sell newspapers or periodicals on the street or in public places.

D. Child Model Permit

This permit requires a health certificate and the consent of a parent or guardian.

E. Child Performer Permit

This certificate is issued by the chief executive officer (for example, a mayor or town supervisor) where the performance is being held.

HOURS WORKED AND WAGES PAID

Your Name _____ Employer's Trade Name _____

Address _____ Address _____

Date Payroll Week Ended

_____

Take Home Pay (Net)

$ _____

Gross Wages Before Taxes

$ _____

	SUN	MON	TUES	WED	THURS	FRI	SAT
Shift Started							
Meal Time Off							
Shift Ended							
Hours Worked							
TOTAL HOURS FOR WEEK							

Date Payroll Week Ended

_____

Take Home Pay (Net)

$ _____

Gross Wages Before Taxes

$ _____

	SUN	MON	TUES	WED	THURS	FRI	SAT
Shift Started							
Meal Time Off							
Shift Ended							
Hours Worked							
TOTAL HOURS FOR WEEK							

Date Payroll Week Ended

_____

Take Home Pay (Net)

$ _____

Gross Wages Before Taxes

$ _____

	SUN	MON	TUES	WED	THURS	FRI	SAT
Shift Started							
Meal Time Off							
Shift Ended							
Hours Worked							
TOTAL HOURS FOR WEEK							

Date Payroll Week Ended

_____

Take Home Pay (Net)

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Gross Wages Before Taxes

$ _____

	SUN	MON	TUES	WED	THURS	FRI	SAT
Shift Started							
Meal Time Off							
Shift Ended							
Hours Worked							
TOTAL HOURS FOR WEEK							

New York State AFL-CIO
Edward J. Cleary, President

New York State Building and Construction Trades Council
Henry G. Landau, Secretary-Treasurer

New York State Department of Labor
Thomas F. Hartnett, Commissioner

Helping NY work

New York State Department of Education
Thomas Sobol, Commissioner

New York State Commission on the Bicentennial of the United States Constitution
Chief Judge Sol Wachtler, Chairman

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New York State Occupational Information Coordinating Committee
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